

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT
OF ALABAMA, NORTHERN DIVISION**

Deloise Price,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2: 06 cv721-MHT
)	
Wal-Mart Stores, Inc.,)	
Extreme Performance, Inc.,)	
)	
Defendants.)	

MOTION TO CONTINUE TRIAL

Plaintiff files this motion to continue the trial of this case, set for November 26, 2007,
and states:

1. The undersigned counsel needs a continuance of this case due to a personal health care issue.
2. The undersigned has been undergoing diagnostic treatment and tests for the past two weeks concerning a health condition. Two days ago, the undersigned was informed by his surgeon that surgery is required and needed to be scheduled soon. The surgery will interfere with the trial of this case as the undersigned would like to have it scheduled immediately after the Thanksgiving Holiday, which is the same time as the beginning of the trial of this case.
3. The undersigned has spoken with Dennis Bailey, counsel for Defendants, who has graciously agreed to consent to a continuance. However, due to trial conflicts, Mr. Bailey requested that the trial of this case be reset sometime after March of 2008. The Plaintiff has no objection to that request.

4. The undersigned is lead trial counsel for the Plaintiff, having attended every deposition and hearing in this case. It is important that the undersigned try this case for the Plaintiff.

5. This case has not been previously continued at the request of any party. A continuance would work no prejudice on any party.

6. The undersigned apologizes for having to make this request and for inconveniencing the Court. It was not anticipated.

Wherefore, the Plaintiff prays for a continuance of the trial of this case.

Respectfully Submitted,

/s/ Brian P. Strength
JOCK M. SMITH (SMIO47)
BRIAN P. STRENGTH (STR052)
Attorneys for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel listed below by electronic notification on this the 14th day of November, 2007;

Dennis Bailey
Rushton, Stakely, Johnston & Garrett, P.A.
P.O. Box 270
Montgomery, AL 36101

/s/ Brian P. Strength
OF COUNSEL